

### REMARKS

Claims 1-27 are pending. Claims 1-27 are rejected. Claims 1 and 12 have been amended. No new matter has been added.

### 35 U.S.C. 102(e) Rejections

Claims 1-7 and 12-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Bishop, U.S. Patent No. 6,377,782.

The Examiner is respectfully directed to independent Claim 1, which, as amended, recites that an embodiment of the present invention is directed to:

A method of connecting to a wireless communication access point comprising:

- a) an initiator device broadcasting a first wireless message to a plurality of potential access point devices, said initiator device storing therein a list of recognized device addresses for connecting thereto;
- b) in response to said initiator device broadcasting said first wireless message, said initiator device receiving a plurality of second wireless messages from a set of said plurality of potential access point devices;
- c) said initiator device comparing device addresses of said plurality of second wireless messages for address matches with said list of recognized device addresses;
- d) applying a fitness function to address matches of said c) to determine a single address; and
- e) connecting to an access point device corresponding to said single address.

Claim 12 recites similar limitations. Claims 2-7 are dependent upon Claim 1, and recite further features of the claimed invention. Claims 13-18 are dependent upon Claim 12, and recite further features of the claimed invention.

The rejection suggests that Bishop discloses every element of the embodiment of the present invention recited in Claim 1. Applicants have reviewed the cited portions of Bishop, and respectfully disagree. Applicants contend that Bishop fails to disclose an initiator device broadcasting a first wireless message to a plurality of potential access point devices, as claimed. The portion of Bishop referenced by the rejection describes using a network access interface device (“NAID”), where a NAID is used to couple to an existing broadband network infrastructure; see Col. 8, ln. 31-35. The NAID accesses a look up table to identify individual subscriber access interface units (also called subscriber access interface devices, or “SAID”), see Col. 13, ln. 54-60. The NAID will forward upstream data packets to a specific subscriber access interface unit, based on an address header in the packet itself, if the specific subscriber access interface unit is serviced by the NAID; see Col. 13, ln. 54-67.

The rejection suggests that the NAID is equivalent to the initiator device recited in Claim 1. However, the NAID does not broadcast a wireless message to a plurality of *potential access points*, as claimed. As described in Bishop, the NAID itself similar to a network router and wireless access point; the subscriber access interface units are not potential access points for the NAID, but rather client devices seeking to access an existing broadband network through the NAID; see Col. 7, ln. 30 – Col. 8, ln. 31. Therefore, Bishop does not anticipate or render obvious the embodiments of the present invention recited in Claim 1 (Claim 12 recites similar limitations).

Applicants further contend that Bishop fails to disclose the initiator device receiving a plurality of second wireless messages from a set of potential access point devices in response to broadcasting the first wireless message, as claimed. The portion of Bishop cited by the rejection describes the SAID initiating a request for negotiation with the NAID over a wireless service channel; see Col. 14, ln. 35-55. Bishop does not describe the initiator device, which the rejection suggests is equivalent to the NAID, receiving a plurality of second wireless messages in response to broadcasting the first wireless message, as claimed. Instead, the SAID initiates communications with the NAID, without the NAID sending a first message. Therefore, Bishop does not anticipate or render obvious the embodiments of the present invention recited in Claim 1 (Claim 12 recites similar limitations).

Therefore, the Applicants respectfully submit that the claimed embodiments of the invention as set forth in Claims 1 and 10 are in condition for allowance. Accordingly, the Applicants also respectfully submit that Claims 2-7, dependent on Claim 1, and Claims 13-18, dependent upon Claim 12, overcome the basis for rejection under 35 U.S.C. 102(e), as they are dependent on allowable base claims.

#### 35 U.S.C. 103(a) Rejections

Claims 8-11 and 19-27 are rejected under 35 U.S.C. 103(a) as being obvious over Bishop, in view of Calvert, U.S. Patent No. 6,526,275 B1.

The Examiner is again respectfully directed to independent Claim 1, reproduced above. Claims 8-11 are dependent upon independent Claim 1, and recite further features of the claimed invention. Claims 19-22 are dependent upon independent Claim 12, and recite further features of the claimed invention. The arguments presented above with regard to Bishop and independent Claims 1 and 12 apply here. Bishop does not anticipate or render obvious the embodiments of the present invention recited in Claims 8-11 and 19-22, as Bishop does not disclose an initiator device broadcasting a first wireless message to a plurality of potential access point devices, as claimed, nor does Bishop disclose the initiator device receiving a plurality of second wireless messages from a set of potential access point devices in response to broadcasting the first wireless message, as claimed.

Calvert does not overcome the deficiencies of Bishop. Calvert does not disclose an initiator device broadcasting a first wireless message to a plurality of potential access point devices, as claimed. Calvert also does not disclose the initiator device receiving a plurality of second wireless messages from a set of potential access point devices in response to broadcasting the first wireless message, as claimed. Therefore, Bishop, alone or in combination with Calvert, does not anticipate or render obvious the embodiments of the present invention recited in Claims 8-11 and 19-22.

The Examiner is respectfully directed to independent Claim 23, which recites that an embodiment of the present invention is directed to:

In a wireless communication device having a wireless transceiver and a memory cache comprising a list of access point addresses, a method for updating said list of access point addresses comprising:

a) connecting said wireless communication device with a network server, said network server comprising a list of current network access point addresses for a network;

b) comparing said list of access point addresses to said list of current network access point addresses;

c) adding to said list of access point addresses in said memory cache of said wireless communication device any addresses found on said list of current network access point addresses and not found on said list of access point addresses; and

d) deleting from said list of access point addresses in said memory cache of said wireless communication device any addresses not found on said list of current network access point addresses and found on said list of access point addresses.

Claims 24-27 are dependent upon Claim 23, and recite further features of the claimed invention.

The rejection suggests the combination of Bishop with Calvert will render the embodiments of the present invention recited in Claim 23 obvious. Applicants have reviewed the cited portions of Bishop and Calvert, and respectfully disagree. Specifically, Bishop and Calvert do not disclose connecting a wireless communication device with a network server, said network server comprising a list of current network access point addresses for a network, as claimed. The rejection cites Calvert for this element; however, the portion of Calvert referenced describes a context engine server, col. 4, ln. 25-33. According to Calvert, this context engine server conveys product information requests, as well as location information and demographic information about the user, from a communication device to a plurality of product providers. The context engine server then receives responses from at least some of these product providers, and ranks responses,

e.g., ranking with regard to offered advertising fees, and displays a list of product providers to the user. This context engine server is not a network server comprising a list of current network access point addresses, as claimed. Therefore, Calvert, alone or in combination with Bishop, fails to anticipate or render obvious the embodiments of the present invention recited in Claim 23.

Therefore, the Applicants respectfully submit that the claimed embodiments of the invention as set forth in Claims 8-11, 19-22, and 23 are in condition for allowance. Accordingly, the Applicants also respectfully submit that Claims 24-27, dependent on Claim 23, overcome the basis for rejection under 35 U.S.C. 103(a), as they are dependent on allowable base claims.

Conclusion

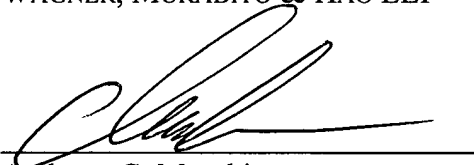
In light of the above-listed amendments and remarks, Applicants respectfully request allowance of the remaining Claims.

The Examiner is urged to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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